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Attorney for Appellant
PARAVUE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PARAVUE CORPORATION,

Appellant,

v.

HELLER EHRMAN, LLP,

Appellee.

) No. 3:14-cv-3887 CRB

) Hon. Charles R. Breyer

) **STIPULATED REQUEST FOR ORDER**
) **CHANGING TIME OF MOTION AND**
) **BRIEFING SCHEDULE**

) **ORDER**

Pursuant to Local Rule 7-12, Appellant PARAVUE CORPORATION and Appellee HELLER EHRMAN, LLP, by and through their respective undersigned counsel, stipulate and agree to a continuance of Paravue's motion for limited remand to bankruptcy court (filed December 19, 2014), and an extension of the briefing deadlines in this appeal, in the respects stated herein.

In support of this stipulation, the undersigned counsel for Appellant, James V. Weixel, states and declares as follows:

1. I am an attorney at law licensed to practice before all courts of the State of California, and am a member of the bar of this Court. I am counsel of record in this proceeding for Appellant Paravue

1 Corporation. I have personal knowledge of the matters stated in this Declaration and, if called to testify
2 thereto, could and would do so truthfully and competently.

3 2. I make this Declaration pursuant to Local Rule 6-2 in support of the parties' stipulation
4 for an extension of the briefing schedule in this matter.

5 3. By previous agreement of the parties and the order of the Court, Paravue's opening brief
6 to this Court is due by February 2, 2015, Heller Ehrman's answering brief is due by March 23, 2015, and
7 Paravue's reply brief is due by April 6, 2015.

8 4. On December 19, 2015, Paravue filed a motion for a limited remand of this matter to the
9 bankruptcy court for the purpose of allowing that court to consider and determine Paravue's motion for
10 reconsideration of the summary judgments granted in Heller Ehrman's favor on the claims which are the
11 subject of this appeal. The motion is set for hearing before this Court on January 23, 2014. Heller's
12 response to the motion is due January 2, 2015, and Paravue's reply is due January 9, 2015.

13 5. The day Paravue's motion was filed, I was contacted by Marjorie Manning, Esq., Heller
14 Ehrman's counsel. Ms. Manning explained that she would be out of the office until the week of January
15 12, 2015 and thus requested that I agree to continue the motion for two weeks. As I am currently out of
16 the Bay Area myself for the holidays, I agreed to that request. However, I pointed out that moving the
17 hearing out two weeks would mean the motion would be heard after Paravue's opening brief was due to
18 be filed on February 2nd. I thus suggested that the briefing schedule be moved out as well. We agreed it
19 would be appropriate to continue the briefing scheduled by two weeks as to all dates.

20 6. As stated in the stipulation below, the parties have stipulated and agreed to the following
21 continued motion schedule as appropriate and reasonable:

22 Heller Ehrman's response due: **January 16, 2015**

23 Paravue's reply due: **January 23, 2015**

24 Hearing: **February 6, 2015, 10:00 a.m.**

25 The parties have also stipulated and agreed to the following revised briefing schedule as
26 appropriate and reasonable:

27 Appellant's opening brief due: **February 16, 2015**

28 Appellee's brief due: **April 6, 2015**

Appellant's reply brief due: **April 20, 2015**

7. There have been two stipulations for an extended briefing schedule, which stipulations have resulted in the current briefing schedule reflected in the Court's order filed December 15, 2014 (Doc. 18). There have been no stipulations or other continuances as to the motion.

8. The requested extensions would cause the motion and briefing schedules in this matter to be extended by two weeks with respect to all deadlines and hearings, as set forth above.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of December, 2014, at Honolulu, Hawaii.

/s/ James V. Weixel
James V. Weixel

STIPULATION

Appellant Paravue Corporation and Appellee Heller Ehrman, LLP, by and through their respective undersigned counsel, stipulate and agree, and thereupon request that the Court enter an order accordingly, to change time to reflect an extension of the following deadlines as follows.

As to Paravue's motion for limited remand to bankruptcy court, currently set for hearing at 10:00 a.m. on January 23, 2015:

Heller Ehrman's response due: **January 16, 2015**

Paravue's reply due: **January 23, 2015**

Hearing: **February 20, 2015, 10:00 a.m.**

As to the briefing schedule in the appeal before this Court:

Appellant's opening brief due: **February 16, 2015**

Appellee's brief due: **April 6, 2015**

Appellant's reply brief due: **April 20, 2015**

This stipulation is made upon the declaration of James V. Weixel, Esq., counsel for Paravue Corporation in this proceeding, as stated *supra*.

1 The parties stipulate and agree to this briefing schedule and request that the Court enter an order
2 accordingly, pursuant to Local Rules 6-2 and 7-12.

3 Dated: December 24, 2014. **WEIXEL LAW OFFICE**

4
5 By: /s/ James V. Weixel
6 James V. Weixel

7 Attorney for Appellant
8 PARAVUE CORPORATION

9 Dated: December 24, 2014. **BOLLING & GAWTHROP**

10
11 By: /s/ Marjorie E. Manning
12 Marjorie E. Manning (by consent)

13 Attorney for the Post-Confirmation Liquidating Debtor,
14 Appellee HELLER EHRMAN, LLP

15 **ATTESTATION RE ELECTRONIC SIGNATURE(S)**

16 I, James V. Weixel, counsel for Appellant Paravue Corporation, hereby attest pursuant to Local
17 Rule 5-1(i)(3) that the electronic signature(s) of other counsel and/or parties appearing above indicate(s)
18 that concurrence in the filing of this document has been obtained from each of said counsel and/or
19 parties, and that such electronic signature(s) serve(s) in lieu of said signature(s) on the document.

20 Dated: December 24, 2014. **WEIXEL LAW OFFICE**

21
22 By: /s/ James V. Weixel
23 James V. Weixel

24 Attorney for Appellant
25 PARAVUE CORPORATION
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

